



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-15  
236 E. CABRILLO BOULEVARD  
COASTAL DEVELOPMENT PERMIT  
AUGUST 20, 2015

**APPLICATION OF BRIAN D'AMOUR AND JESSICA GRANT, APPLICANTS FOR CITY OF SANTA BARBARA, 236 E. CABRILLO BOULEVARD, APNS 017-191-004 AND 033-120-016, P&R / SD-3 (PARKS & RECREATION / COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: PARKS / OPEN SPACE, LOCAL COASTAL PLAN DESIGNATION: PARKS / OPEN SPACE (MST2014-00596)**

The Laguna Pump Station Facility (Facility) is located between Cabrillo Boulevard and the tide gate structure on Laguna Channel. The overall project consists of limited repairs and maintenance of the existing Facility and tide gate structure, and a restoration plan. The project is proposed in four phases. Phase 1 includes removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting, and cameras for monitoring of conditions. Phase 2 includes the repair of the internal mechanics of Tide Gate No. 3, inspection and maintenance of all three tide gates, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement of the outflow cover for the storm drain outlet. Phase 3 includes planting native vegetation to replace what is removed from the channel. This will extend the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects scheduled for 2016. Phases 2 and 3 of the project are within Coastal Commission original permit jurisdiction. Phase 4 includes on-going repair and maintenance of the tide gate structure to assure proper function, and on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events. Phase 4 of the project is within both Coastal Commission original permit jurisdiction and the Appealable Jurisdiction of the City's Coastal Zone.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2015-00015) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).
2. Recommendation to the California Coastal Commission for approval of the interior mechanical repairs to Tide Gate #3, inspection and maintenance of all three tide gates, replacement of the storm drain outlet outflow cover, and for implementation of the restoration plan. Approval of ongoing repair and maintenance of Tide Gate Structure, including, but not limited to Tide Gates No. 1, No. 2, and No. 3, to assure proper function, is also recommended. All of these project components are located within the Original Permit Jurisdiction of the Coastal Zone.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (b), Existing Facilities.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 13, 2015.

2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15301 (b), Existing Facilities, based on the City staff analysis.

B. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it protects existing biological resources, does not alter the existing drainage channel, and does not impact visual resources, as described in Section VI.B of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VI.C of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.8, 6.9 and 6.10 which serve to protect biological productivity and water quality of the City's riparian resources and LCP Policy 9.1, which protects views to, from, and along the ocean and scenic coastal areas.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.

B. **Written Agreement.** The Applicant shall submit a letter to the Planning Division indicating the following:

1. **Approved Development.** The development approved by the Planning Commission on August 20, 2015 is limited to repairs and maintenance of the existing Laguna Pump Station Facility (Facility) and tide gate structure. including, removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting and cameras for monitoring of conditions (Phase 1); the repair of the internal mechanics of Tide Gate No.3, inspection and maintenance of all three tide gates, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement outflow cover for the storm drain outlet (Phase 2); the planting of native vegetation at a 3:1 ratio to replace what is removed from channel extending the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects (Phase 3), on-going repair and maintenance of the tide gate structure to assure proper function, and the on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events (Phase 4), and the related improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Use Limitations.** Due to the proximity to biological resources, uses other than those related to pump plant and/or flood control operations and maintenance are not permitted

at this location without further environmental review and/or Planning Commission review and approval.

3. **Drainage System Maintenance.** The owner/applicant shall implement and maintain the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures result in increased erosion, the Public Works Department shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Public Works Department is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
4. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee of the Laguna Pump Station facility by the Applicant/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.

C. **Avoidance and Minimization Measures – CardnoEntrix Biological Resource Study.** The following minimization measures, recommended in the Biological Resource Study (BSR) prepared for the proposed project (CardnoEntrix, August 7, 2015), and included as part of the project description, shall be required:

1. **Environmental Training.** A qualified biologist will provide environmental training for all workers. This includes a description of special-status species that could be present and what to do if any are observed (BIO-1).
2. **Southwestern Pond Turtle Protection.** A qualified biologist will check the channel immediately prior to sediment removal to verify that no southwestern pond turtles are present (BIO-2).
3. **Channel Sedimentation Removal Requirements.** Water shall be pumped out of the channel using the existing pumps to discharge to the lagoon prior to sediment removal to minimize turbidity. If continued pumping is required during sediment removal, it shall be discharged to a settling basin/tank. After the sediment is removed, any visible turbidity shall be allowed to settle prior to pumping out the remaining water to the lagoon, or pump it to a settling basin. Turbidity shall be monitored at the discharge point when water is first pumped out after channel clearings (BIO-3).
4. **Channel Wall Construction Requirements.** During repair of the channel walls, if wet concrete comes in contact with surface water, the pH of that water will be tested. If the pH is greater than 8.5, the water will be pumped into a vacuum truck and disposed off site (BIO-4).



5. **Tide Gate Repair Requirements.** For repair of Tide Gates No. 1, No. 2, and No. 3, qualified biologists will sweep the area adjacent (ocean side) to the gates with a seine (if feasible due to boulders and other obstructions on the bottom) to herd as many tidewater gobies as possible out of the work area. The seine (or a longer one) will then be used as a block net to prevent fish from reentering the work area. After the cofferdam is installed, water between it and the gates will be pumped down to no more than one foot deep using a screened pump (mesh 1/8-inch or less) to allow biologists to capture and relocate any tidewater gobies and other native fish present prior to opening the tide gate. Once the gate is repaired and storm drain outlet cover replaced, water will be allowed to rise within the cofferdam to the same level as in the lagoon prior to removal of the cofferdam (BIO-5).
  6. **Non-Native Herb of Grace Removal Requirements.** The non-native herb of grace will be completely removed from the site (including roots), bagged, and disposed in a landfill to prevent spread to other areas (BIO-6).
  7. **Emergent Vegetation Management Requirements.** Emergent vegetation on natural bottom sediments adjacent to Cabrillo Boulevard should be trimmed to the top of the water surface level in the fall prior to runoff events (BIO-7).
  8. **Ongoing Channel Maintenance Requirements.** Sediment removal from the concrete lined channel as part of ongoing channel maintenance should occur in the fall prior to runoff events and at the end of the rainy season (as needed, depending on amount of deposition) to minimize sediment available for colonization by vegetation (BIO-8).
- D. **Design Review.** The project, is subject to the review and approval of the Historic Landmarks Commission (HLC).
- E. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Community Development Department.**
    - a. **Written Agreement.** Provide the written instrument that includes all of the conditions identified in Condition B “Written Agreement” to the Community Development Department prior to commencement of work.
    - b. **Contract with Biologist.** Submit a contract with a City approved qualified biologist for monitoring and reporting during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal, and ground clearance in the areas identified in the Biological Resources Survey Report prepared for this site by CardnoEntrix, dated August 7, 2015. The contract shall be subject to the review and approval of the Environmental Analyst.
    - c. **Biologist Scope of Work.** The scope of the biologist’s monitoring and reporting contract shall include both the provisions identified in “Conclusions and Recommendations” from the Biological Resources Survey Report referenced

above, and the provisions identified in “Avoidance and Minimization Measures” included in CDFW SAA, Notification No. 1600-2014-0246-R5.

- d. **No-Rise Certificate.** The Applicant shall provide a Base Flood Elevation and show compliance with applicable flood proofing as required by SBMC §22.24.160. This information shall be included in project plan set.
- e. **Contractor and Subcontractor Notification.** The Applicant shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Restoration Plan submitted to CDFW for review and approval). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.
- g. Signed:

Applicant	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **All applicable measures included in both C. Avoidance and Minimization Measures - CardnoEntrix** Biological Resource Study and “Avoidance and Minimization Measures” included in CDFW SAA, Notification No. 1600-2014-0246-R5, shall be implemented prior and/or during construction as described.
- 2. **Best Management Practices (BMPs).** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during demolition and drilling to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures should be implemented to prevent runoff of these materials into Laguna Channel. Silt fencing, straw bales, and/or sand bags should



be used in conjunction with other methods to prevent turbid waters from entering stream channels. These practices shall include all applicable measures as

During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could enter Laguna Channel or the Pacific Ocean.

**These practices shall include applicable measures in both C. Avoidance and Minimization Measures – CardnoEntrix Biological Resource Study as listed above and “Avoidance and Minimization Measures” included in CDFW SAA, Notification No. 1600-2014-0246-R5.**

3. **Pre-Construction Conference. (BIO-1)** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements (see condition No. E.4 below), shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering, Community Development Department Building and Planning Divisions, the Creeks Division, the approved Biologist, Contractor and each Subcontractor.
4. **Workers Educational Training. (BIO-1)** Prior to the initiation of any site disturbance and/or construction activities, all personnel associated with the project shall attend a worker education training program (program) conducted by a qualified biologist. In general, it is recommended that the program discuss tidewater goby and Pacific pond turtle habitat preference(s), occupied habitat in the area, life histories, law and regulations, as well as potential construction impacts and protection measures, and project limits. Protections and regulations for the Laguna Channel, the riparian habitat, and nesting birds shall also be included in the program. It is recommended that a species and habitat fact sheet also be developed prior to the training program and distributed at the training program to all contractors, employers and other personnel involved with the construction of the Projects. Specifically, the program should also include:
  - a. Measures to prevent indirect impacts during construction activities should be covered, including delivery, storage, and usage of construction materials and chemicals as they relate to the protection of adjacent aquatic habitat.
  - b. Training materials should include laws and regulations that protect sensitive biological resources, the consequences of non-compliance with those laws and regulations and a contact person (i.e. construction manager, biological monitor, and City’s Project manager) in the event that protected biological resources are affected.

The City shall notify the approved biologist in advance of the kick-off meeting and any subsequent meetings that may take place if additional contractors are employed during additional construction projects of the project. A sign in sheet will be circulated for signatures to all personal that attend the workers educational training to confirm that program materials were received and that they understand information presented.

5. **Construction Storage/Staging.** Construction vehicle/equipment/materials storage and staging shall be done on-site. Parking or storage shall be permitted only within the identified area adjacent to the Laguna Channel in parking lot.
6. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site.
7. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
  - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
  - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).



- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
8. **Asbestos & Lead-Containing Materials.** Pursuant to Air Pollution Control District (APCD) Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.
9. **Biological Resources Minimization Monitoring Compliance Reports.** The City-approved biologist shall submit monthly reports on all repairs, maintenance or other construction activity regarding required minimization measures compliance to the Community Development Department. A final report shall be submitted to the Community Development Department at time all improvements and applicable minimization measures are completed and deemed by the biologist acceptable.
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological



features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

**G. General Conditions**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 Uq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations. This also includes, but is not limited to, any permit or agreement required by CDFW, ACOE, and CRWQCB.

**III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no

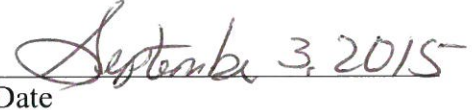
changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 20th day of August, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jordan, Schwartz)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**